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Before the
FEDERAL COMMUNICATIONS COMMISSION

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the height it proposes does not constitute a hazard to air navigation.

3. Section 1.251 of the Commission's Rules provides for summary decision where there is no genuine issue of material fact for determination at hearing. Here, with the submission of the aeronautical study, there is no longer a question as to whether Four Jacks' proposed tower height constitutes a hazard to air navigation. Accordingly, summary decision is warranted in favor of Four Jacks on the air hazard issue.

4. Accordingly, the Bureau supports Four Jacks' motion for summary decision.

Respectfully submitted,
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May 25, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 25th day of May 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Comments in Support of Motion for Summary Decision"** to:

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